

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

EDDIE HYTOWER,	:	
	:	
Petitioner,	:	Case No. 3:08cv00456
	:	
vs.	:	
	:	District Judge Thomas M. Rose
WARDEN, Marion Correctional	:	Magistrate Judge Sharon L. Ovington
Institution,	:	
	:	
Respondent.	:	
	:	

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**DECISION AND ENTRY**

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The Court has reviewed *de novo* the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #17), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby adopts said Report and Recommendations.

Accordingly, it is hereby **ORDERED** that:

1. The Report and Recommendations docketed on April 11, 2011 (Doc. #17) is ADOPTED in full;
2. Eddie Hytower's Petition for Writ of Habeas Corpus (Doc. #5) is DENIED and DISMISSED;
3. Petitioner is denied leave to appeal *in forma pauperis* and any requested certificate of appealability; and

4. The case is terminated on the docket of this Court.

May 2, 2011

*\*s/THOMAS M. ROSE*

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Thomas M. Rose  
United States District Judge